

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Mordechai Fogelman,

Plaintiff,

ORDER

- against -

CV 2009-642 (FB)(MDG)

NCO Financial Systems, Inc.,

Defendant.

- - - - -X

Even though this action was commenced almost three months ago, the docket sheet does not indicate that any answer, motion to dismiss or return of service has been filed. The plaintiff is reminded that Rule 4(m) of the Federal Rules of Civil Procedure requires that service be completed within 120 days after commencement of an action and that this Court may sua sponte dismiss an action without prejudice for failure to effectuate timely service. When service has been completed, plaintiff should promptly electronically file the return.

If timely service cannot be made, plaintiff must electronically file any request for leave to extend the time for service pursuant to Fed. R. Civ. P. 4(m). If service has been completed and the time to answer has expired, plaintiff should move for default judgment by June 24, 2009 or promptly file a

status report advising whether the parties are ready for an initial conference. In the event plaintiff moves for default judgment, motion papers must be filed electronically and the original submission must be sent to the Clerk of the Court.

SO ORDERED.

Dated: Brooklyn, New York
May 11, 2009

_____/s/
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE